

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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ARCHITECTURAL BUSSTRUT)	Case No.: 0:19-CV-00968 (DSD-ECW)
CORPORATION d/b/a busSTRUT,)	
)	
Plaintiff,)	DECLARATION OF MATTHEW R.
v.)	MCBRIDE IN SUPPORT OF
)	DEFENDANT TARGET
Target Corporation,)	CORPORATION’S MOTION FOR
)	SUMMARY JUDGMENT
Defendant.)	
)	

I, Matthew R. McBride, declare and state as follows:

1. My name is Matthew R. McBride. I am one of the attorneys representing Defendant Target Corporation (“Defendant”) in this matter. I have personal knowledge of the facts stated in this declaration.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the Amendment Number 1 to Program Agreement for Goods and Services, marked as Deposition Exhibit 139. This document has been designated Confidential and has accordingly been filed under seal pursuant to the Protective Order ECF No. 26.

3. Attached hereto as **Exhibit 2** is a true and correct copy of the Target Corporation Program Agreement for Goods and Services, marked as Deposition Exhibit 148. This document has been designated Confidential and has accordingly been filed under seal pursuant to the Protective Order ECF No. 26.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the Target Corporation Supplier Qualification Agreement for Goods and Services, marked as

Deposition Exhibit 149. This document has been designated Confidential and has accordingly been filed under seal pursuant to the Protective Order ECF No. 26.

5. Attached hereto as **Exhibit 4** is a true and correct copy of an email thread and attachment between Michael Gellert and James Warner, dated September 24-30, 2015, and marked as Deposition Exhibit 300. This document has been designated Confidential and has accordingly been filed under seal pursuant to the Protective Order ECF No. 26.

6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the Confidential deposition transcript of Michael Gellert, taken on January 7, 2021. This transcript has been designated Confidential and has accordingly been filed under seal pursuant to the Protective Order ECF No. 26.

7. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from the Confidential deposition transcript of Gregory Gellert, taken on January 6, 2021. This transcript has been designated Confidential and has accordingly been filed under seal pursuant to the Protective Order ECF No. 26.

8. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from the deposition transcript of Kalen Graham, taken on March 11, 2020. This transcript has been designated Confidential and has accordingly been filed under seal pursuant to the Protective Order ECF No. 26.

9. Attached hereto as **Exhibit 8** is a true and correct copy of an email and attachment from Greg Gellert to James Warner, dated October 27, 2015, and marked as Deposition Exhibit 302. This document has been designated Confidential and has accordingly been filed under seal pursuant to the Protective Order ECF No. 26.

10. Attached hereto as **Exhibit 9** is a true and correct copy of an email thread and attachment between James Warner and Greg Gellert, dated October 27-November 19, 2015, and produced in this litigation as BUS-0031887-31904. The email thread, without the attachment, was marked as Deposition Exhibit 303. This document has been designated Confidential and has accordingly been filed under seal pursuant to the Protective Order ECF No. 26.

11. Attached hereto as **Exhibit 10** is a true and correct copy of an email thread and attachment between Greg Gellert and James Warner, dated October 27-November 20, 2015, and marked as Deposition Exhibit 304. This document has been designated Confidential and has accordingly been filed under seal pursuant to the Protective Order ECF No. 26.

12. Attached hereto as **Exhibit 11** is a true and correct copy of an email thread and attachment between James Warner and Greg Gellert, dated October 27-November 30, 2015, and produced in this litigation as BUS-0031867-31886. This document has been designated Confidential and has accordingly been filed under seal pursuant to the Protective Order ECF No. 26.

13. Attached hereto as **Exhibit 12** is a true and correct copy of an email thread and attachment between Greg Gellert and James Warner, dated October 27-November 30, 2015, and produced in this litigation as BUS-0043521-43541. This document has been designated Confidential and has accordingly been filed under seal pursuant to the Protective Order ECF No. 26.

14. Attached hereto as **Exhibit 13** is a true and correct copy of an email from Kalen Graham to Larry Gellert, Greg Geller, Michael Gellert, dated November 10, 2016, and marked as Deposition Exhibit 308. This document has been designated Confidential and has accordingly been filed under seal pursuant to the Protective Order ECF No. 26.

15. Attached hereto as **Exhibit 14** is a true and correct copy of an email thread between Greg Gellert and Kalen Graham, dated November 11, 2016, and marked as Deposition Exhibit 309. This document has been designated Confidential and has accordingly been filed under seal pursuant to the Protective Order ECF No. 26.

16. Attached hereto as **Exhibit 15** is a true and correct copy of an email and attachment from Kalen Graham to Greg Gellert dated November 11, 2016, and marked as Deposition Exhibit 310. This document has been designated Confidential and has accordingly been filed under seal pursuant to the Protective Order ECF No. 26.

17. Attached hereto as **Exhibit 16** is a true and correct copy of an email from Kalen Graham to Greg Gellert, dated November 11, 2016, and marked as Deposition Exhibit 311. This document has been designated Confidential and has accordingly been filed under seal pursuant to the Protective Order ECF No. 26.

18. Attached hereto as **Exhibit 17** is a true and correct copy of an email thread between Kalen Graham and Greg Gellert, dated November 11, 2016, and marked as Deposition Exhibit 312. This document has been designated Confidential and has accordingly been filed under seal pursuant to the Protective Order ECF No. 26.

19. Attached hereto as **Exhibit 18** is a true and correct copy of an email thread between Kalen Graham and Greg Gellert, dated November 11, 2016, and marked as

Deposition Exhibit 313. This document has been designated Confidential and has accordingly been filed under seal pursuant to the Protective Order ECF No. 26.

20. Attached hereto as **Exhibit 19** is a true and correct copy of an email thread and attachment between Greg Gellert and Kalen Graham, dated March 22-April 4, 2018, and marked as Deposition Exhibit 320. This document has been designated Confidential and has accordingly been filed under seal pursuant to the Protective Order ECF No. 26.

21. Attached hereto as **Exhibit 20** is a true and correct copy of excerpts from the deposition transcript of Doyle Trankel, taken on September 29, 2020. This transcript has been designated Confidential and has accordingly been filed under seal pursuant to the Protective Order ECF No. 26.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS
TRUE AND CORRECT.

Signed this 22nd day of April, 2021 in Minneapolis, Minnesota.

/s/ Matthew R. McBride
Matthew R. McBride

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